11-15. (Cancelled)

Remarks

This amendment is in response to the Office Action dated April 21, 2004. Claims 1, 5, 6, and 7 have been amended. Claims 1, 2 and 4-10 are currently pending.

Rejections under 35 U.S.C. § 103, Butler in view of Zhu

Claims 1, 2, 4 7-8 and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,928,726 (Butler) in view of US 5,608,003 (Zhu). Currently amended claims 1 and 7 contain the limitation that the typical particle diameter size is at least 1 micron and the limitation that the typical particle diameter size is greater than the thickness of the low adhesion backsize coating layer.

In the second paragraph of item 4, the office action states:

> These are not deemed to be convincing because butler clearly teaches the use of LAB of 0.01 to 25 micron thick containing filler particles and that Zhu teaches the provision of using larger size particles without diminishing the LAB properties but that it will change the visual properties.

In the third paragraph of item 4, the office action states:

> Butler teaches that the LAB layer includes particulate filler and ***Zhu teaches that use of particles tha (sic) can be larger in diameter than the layer thickness***, such as thickness of "about 1 micron", which includes the claimed size of greater than 1 micron (emphasis added).

Nowhere in Zhu is it taught that the particle diameter can be or should be greater than the thickness of the coating layer. To the contrary, there is no

statement at all that relates the thickness of an LAB layer to the diameter of a filler particle.

Column 4, lines 23-26 of Zhu states:

> The useful particle size for the present invention generally ranges from about 1 nanometer to about 1 micrometer . . . .

Column 6, lines 1-7 of Zhu states:

> The coating compositions of the present invention can be applied to a substrate in any desired thickness. It has been found that coatings as thin as a few microns offer excellent abrasion resistance and low surface energy. However, thicker coatings (e.g., up to about 20 microns or more) can be obtained by applying a single thicker coating or by applying successive layers of the coating to the substrate."

While these statements address the use of particles in a coating for abrasion resistance, there is no suggestion or teaching that the particle size used in the coating be greater than the thickness of the coating layer. To the contrary, the teaching of Zhu is that **any** thickness of coating layer is contemplated, and there is **no discussion of the relationship of the particle size to the thickness of the coating**. In fact, there is no statement in either Zhu or Butler that teaches that the typical diameter of filler particles is greater than the thickness of an LAB. Further, neither Butler nor Zhu suggest using particle size of ***at least 1 micron*** in an LAB layer that has a thickness of less than the diameter of the typical particle size.

According to MPEP §2143.03:

> To establish prima facie obviousness of a claimed invention, all the claim limitations must he taught or suggested by the prior art. *In re Royka,* 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

The missing elements are not taught or suggested in any prior art reference cited in the office action. The rejection under 35 U.S.C.§ 103 is improper. The Examiner has failed to establish a prima facie case of obviousness to and can only be improperly using hindsight to arrive at the rejection. Specifically, the Examiner is improperly taking information only gleaned from the applicant's disclosure to form the obviousness rejection (see MPEP § 2145).

The rejection to claims 1 and 7 should be withdrawn. Reconsideration, allowance and notice to that effect are respectfully requested.

Dependent claims 2, 4, and 8-10 depend from allowable independent claims 1 and 7 and are therefore allowable themselves. Due to their dependency on an allowable independent claim, any additional rejections are moot. The rejections to claims 2, 4 and 8-10 are overcome and should be withdrawn. Reconsideration, notice and allowance to that effect are respectfully requested.

Rejections under 35 U.S.C. § 103, Butler in view of Zhu and Blackwell

Claims 5, 6 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US 5,928,726 (Butler) in view of US 5,608,003 (Zhu) and US 5,401,547 (Blackwell). Claim 9 was addressed previously.

Currently amended claims 5 and 6 contain the limitation that the typical particle diameter size is at least 1 micron and the limitation that the typical particle diameter size is greater than the thickness of the low adhesion backsize coating layer. As discussed above with respect to claims 1 and 7, these element are not taught in either the Butler or Zhu reference. Since all the elements of claims 5 and 6 are not taught or suggested alone or in combination by either the Butler, Zhu or Blackwell references, the rejection of independent claims 5 and 6 is improper and should be withdrawn. Reconsideration and notice to that effect are respectfully requested.

Rejection under 35 U.S.C. § 112

Claims 1, 2 and 4-10 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

> Page 2, lines 3-7 of the specification as filed states:
> LABs used in the present invention include at least one
> particulate filler, typically an inorganic filler, such as

amorphous silica or alumina and ***the diameter of the particles*** is in the range of the topographical features of the textured film and the thickness of the LAB and ***such diameter is typically in the range of 1 to 10 micrometers (emphasis added).***

Thus, the specification as filed discloses a typical range of the particle diameter used in the LAB. This diameter range is called out as being in the range of 1 to 10 micrometers. Claims 1, 5, 6 and 7 include the limitation that the diameter of the particulate is at least 1 μm A person of skill in the art would reasonably conclude that a typical particle size used in the inventive article for the typical LAB thickness would have a diameter of at least 1 micron. As specified in MPEP section 2163.02, "An objective standard for determining compliance with the written description requirement is, 'does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed.' *In re Gosteli,* 872 F.2d 1008, 1012, 10 USPQ 2d 1614, 1618 (Fed. Cir. 1989)." Due to the direct disclosure of the subject matter added to the claims in the originally filed specification, a person of skill in the art would reasonably conclude that the inventor had possession of the claimed invention, as described in the specification at the time of filing. The rejection to claims 1, 2, 4-10 is overcome and should be withdrawn. Reconsideration, allowance, and notice to that effect is respectfully requested.

Respectfully submitted,

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Date

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